

**U. S. DEPARTMENT OF ENERGY
CHICAGO OPERATIONS OFFICE**

ORDER

CH O 320.2

SUBJECT: MERIT PROMOTION PROGRAM

Issued: 08/11/04

Sunset Review: 08/11/06

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1. PURPOSE. The purpose of this Order is to implement a Federal merit promotion and placement program for the Chicago Office (CH) and for designated Office of Science (SC) site offices in accordance with the FY 2004 Service Plan of the SC Integrated Support Center; and to establish policies and procedures for considering and selecting qualified candidates for promotion and placement to competitive service positions.
 2. POLICY. It is CH's policy to fill positions in the Federal service in accordance with applicable civil service laws and regulations. Consideration and selection of candidates are based on qualifications, fitness and relative ability, knowledge, and skills after fair and open competition that ensures all qualified candidates receive equal opportunity. CH's employment practices shall be practicable in character and relate to matters that fairly test the relative capacity and fitness of candidates for jobs to be filled, result in selection from among the best qualified candidates, and be developed and used without discrimination because of race, color, religion, sex, age, national origin, partisan political affiliation, marital status, non-disqualifying physical handicap, sexual orientation, or any other non-merit factor. Through the implementation of this Program, CH endeavors to achieve a highly qualified diverse workforce.
 3. CANCELLATION. CH O 3335.1B, *Merit Promotion Policy and Procedures*, dated 03/24/92.
 4. APPLICABILITY. The provisions of this Order apply to all CH and designated SC site offices' competitive service positions in the General Schedule (GS) at grades 1 through 15.
 5. RESPONSIBILITIES.
 - a. CH Manager. Ensures that the Human Resources Management Program provides support to CH and designated SC site offices based on concepts of merit, efficiency and effective mission support.
 - b. Director, Human Resources Services (HRS).
 - (1) Develops policies, standards and procedures concerning merit promotion and related personnel functions consistent with applicable laws and regulations.
 - (2) Approves exceptions to the normal minimum areas of consideration and documents the reasons for the exception.

DISTRIBUTION: All Employees

INITIATED BY: Human Resources Services

c. Human Resources (HR) Specialists.

- (1) Comply with all merit principles and procedures in accordance with applicable Federal laws, regulations, and DOE policy/procedures.
- (2) Provide advice and guidance to selecting officials, managers, and supervisors in the application of the CH Merit Promotion Program including use of DOE Jobs Online.
- (3) Provide advice for the appropriate use of the QuickHire system (DOE Jobs Online) and USAJOBS for all vacancies.
- (4) Assist managers and supervisors in the development of descriptions of specialized experience, selective factors, screen-out elements, job elements, knowledge, skills and abilities, crediting plans, and competency questions.
- (5) Assist applicants using DOE Jobs Online to apply for vacancies.
- (6) Prepare and distribute vacancy announcements through DOE Jobs Online, after consultation with the appropriate manager or supervisor.
- (7) Validate applicants' resumes and responses to questions for basic qualifications, specialized experience, time-in grade restrictions, eligibility for promotion or noncompetitive considerations, required documentation, and other eligibility requirements.
- (8) Evaluate applicants' qualifications or arrange for applicants' qualifications to be rated by subject matter experts (SMEs).
- (9) Advise SMEs of their responsibilities and serve as technical advisor in the rating process.
- (10) Approve or disapprove requests to extend merit promotion certificates.
- (11) Certify applicants electronically to the selecting official, together with application materials for each referred candidate.
- (12) Inform applicants electronically of the results of their consideration for specific placement opportunities.
- (13) Refer all candidates entitled to repromotion or priority consideration to the selecting official.
- (14) Advise and assist employees concerning promotion policies, procedures, and opportunities under this Program.
- (15) Attempt to informally resolve complaints concerning merit promotion actions.

- (16) Release information to candidates about the status of their consideration pertaining to specific vacancies. Candidates have a right, upon request to HRS, to know if they were considered for a specific vacancy, whether they were found to be qualified, whether they were in the group from which selection was made, and who was selected.
- (17) Document, maintain, release, or protect merit promotion records (as appropriate) for a minimum of two years, in accordance with 5 CFR 335, 5 CFR 294, and 5 CFR 297.
- (18) Approve selective factors and document the reasons for their use.
- (19) Advise and assist employees with career development and planning.

d. Managers and Supervisors.

- (1) Practice sound position management in determining whether a new position should be established or a current position should be filled, changed, or abolished.
- (2) Establish job-related evaluation criteria, in conjunction with the HR Specialist, for use in considering candidates for merit promotion.
- (3) Identify required competencies and assign job-related questions from the DOE Jobs Online Questions Library, with the assistance of the HR Specialist.
- (4) Promptly provide appraisals of performance and potential, as requested, for subordinates who are candidates for merit promotion.
- (5) Give fair and equal consideration to all candidates certified for selection.
- (6) Arrange through the HR Specialist for the release of employees selected for positions.
- (7) Attempt to resolve employee complaints concerning the operation of the CH Merit Promotion Program.
- (8) Advise and assist employees with career development and planning.
- (9) Promote diversity and equal employment opportunity principles by ensuring personnel actions are consistent with CH's policies and goals.

- (10) Involve the CH Diversity Manager, as appropriate, in the staffing of positions.
 - (11) Conduct reference checks.
- e. Employees. Keep informed about DOE job opportunities and apply for advertised positions by submitting application information through DOE Jobs Online as required by the vacancy announcement.
- f. Subject Matter Experts (SMEs)/Panel.
 - (1) Assess the degree to which qualified applicants possess the competencies required for successful performance in the position to be filled.
 - (2) Keep all personal information regarding candidates confidential.
- g. Diversity Manager. Assists managers and supervisors in identifying recruitment sources to ensure the broadest field of candidates are available for consideration.

6. REQUIREMENTS AND PROCEDURES.

- a. Coverage and Exceptions.
 - (1) Coverage. The CH Merit Promotion Program covers GS positions, grades 1 through 15 in the competitive service. The procedures described herein shall be observed when filling positions in the following situations:
 - (a) time-limited promotions for more than 120 days to a higher graded position (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions count toward the 120 day total).
 - (b) transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service;
 - (c) reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by reduction-in-force regulations);
 - (d) reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service;
 - (e) detail of more than 120 days to a higher grade position or to a position with higher promotion potential (prior service during the

preceding 12 months under noncompetitive details to higher graded positions and noncompetitive time-limited promotions counts toward the 120-day total);

- (f) selection of a current federal employee for training that is required to prepare an employee for promotion (i.e., part of an authorized training agreement, such as Upward Mobility; part of a promotion program; or training required before the employee may be considered for a promotion);
 - (g) appointment of a preference eligible or a veteran who has substantially completed at least three years of continuous active military service (i.e. eligible for appointment under the Veterans Employment Opportunities Act of 1998 (VEOA), as amended) in accordance with the special provisions of 5 CFR 315.611;
 - (h) promotion to managerial, supervisory, or lead position.
- (2) Exceptions. Noncompetitive actions may be made where the incumbent of a position meets any of the following criteria and may be made without further reference to the CH Merit Promotion Program.
- (a) promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error;
 - (b) position change permitted by reduction-in-force procedures;
 - (c) appointment or promotion of an employee who was selected in the competitive service from an OPM/Delegated Examining Unit (DEU) certificate, by direct hire authority, Veterans Readjustment Authority, 30% disabled Veteran, by noncompetitive appointment or noncompetitive conversion, or under competitive promotion procedures for an assignment intended to prepare the employee for the position being filled;
 - (d) promotion resulting from an employee's position being classified at a higher grade because of additional duties and responsibilities;

- (e) a temporary promotion, or detail to a higher graded position, or a position with known promotion potential, of 120 days or less. (These actions may be multiple periods whose total equal 120 days. The next eligible date for a temporary promotion or the above referenced details would be the 12 month period immediately following the end of the last action.)
- (f) promotion to a grade previously held on a permanent basis in the competitive service from which an employee was separated or demoted for other than performance or conduct reasons;
- (g) promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service and did not lose because of performance or conduct reasons;
- (h) selection of a candidate made to correct an action where an employee did not receive proper consideration in a prior competitive promotion or placement action;
- (i) promotion within an established career ladder of an employee who was noncompetitively converted to a career or career-conditional appointment under the Student Career Experience Program;
- (j) selection of a candidate through the CH Priority Placement Program.

- b. Merit Promotion Principles and Procedures. Whenever a position is to be filled, managers and/or supervisors are responsible for selecting a qualified individual who can best contribute to the organization's needs. Frequently many sources of candidates must be explored before a decision to fill by promotion is made. This wider look helps to achieve a balanced staff and allows selections to be made from among those best qualified to attain the work objectives.

(1) Areas of Consideration.

- (a) Minimum Areas of Consideration. The minimum area of consideration for positions to be filled under this Program are:

<u>Level of Positions</u>	<u>Minimum Area</u>
GS-14 through GS-15	Department-wide
GS-13 and below	CH and/or DOE Offices within the Commuting Area

- (b) Extending the Areas of Consideration. The area of consideration may be extended either initially or when the minimum area does not produce a sufficient number of best qualified candidates. The

decision to extend the area of consideration is made jointly by the HR Specialist and selecting officials.

- (c) Limiting the Area of Consideration. The area of consideration may be limited to CH employees when circumstances justify such exceptions, (e.g. budget and/or staffing constraints). Documentation for limiting the area of consideration must be justified and approved by the Director, HRS.
 - (d) Vacancies formally announced in the minimum area of consideration will be posted for a minimum of seven calendar days. Vacancies announced Department-wide will be posted for a minimum of 15 calendar days. Applications must be completed and submitted online by 11:00 p.m. Central Time, on the closing date of the announcement in order to be considered.
- (2) Sources of Candidates. Before a vacant position is to be filled through the CH Merit Promotion Program, the HR Specialist first refers to the selecting official the name of any CH employee entitled to priority placement; special repromotion consideration following demotion through no fault of their own; or employees entitled to priority consideration from a previous competitive promotion action.
- (3) Vacancy announcements. Vacancies will be announced using DOE Jobs Online.
- (a) Vacancy announcements will be the primary method of publicizing vacant positions. However, vacancies filled under the exception provisions of the Program need not be publicized. Vacancy announcements will contain the following information:
 - 1 position's title, pay schedule, series, and grade (or grade range);
 - 2 maximum grade to which there is known promotion potential;
 - 3 organizational and geographic location of the position;
 - 4 area of consideration;
 - 5 opening and closing dates of the vacancy announcement;
 - 6 special conditions of employment, such as random drug testing, security clearance, or requirement for financial disclosure;
 - 7 brief summary of duties and responsibilities including any special working conditions such as need of regular

overtime, travel, physical requirements, or exposure to hazardous conditions;

- 8 competencies required for the position;
- 9 qualifications required, including selective factors, if any;
- 10 where, how to apply, and deadline for receipt of applications;
- 11 where additional information may be obtained;
- 12 evaluation method to be used;
- 13 statement as to reimbursement for relocation;
- 14 Equal Opportunity Employer statement; and
- 15 Statement for applicants with disabilities needing reasonable accommodation for any part of the application and hiring process.

- (b) Announcements of vacancies which occur frequently may be covered by open continuous announcements for a period not to exceed one year.
- (c) HRS must ensure that eligible DOE employees who are being affected by reductions in force, individuals eligible under the Career Transition Assistance Plan (CTAP), and individuals eligible under the Interagency Career Transition Plan (ICTAP) are afforded the opportunity to apply for vacancies in accordance with the provisions of those programs.

(4) Competencies.

- (a) Source. The position description (PD) will be the basic reference for the identification of competencies that will be utilized to formulate questions from the DOE Jobs Online Questions Library. Competencies are not simply the duties specified in the PD, they are also skills required to perform those duties. Other documented sources include the applicable OPM qualification standard(s) and technical qualification standards.
- (b) Basic Requirements. Twenty or less task statements/questions should be established for each vacancy announcement. Each statement/question must be clearly relevant to the position and measurable by reference to application materials and other rating information. Task statements/questions can be equally weighted or the selection official and the HR Specialist may jointly

determine that certain task statements/questions are to be given additional weight.

(c) Supervisory and Managerial Positions.

- 1 At least 50% of task statements/questions must be designed to evaluate supervisory or managerial capabilities and/or potential rather than technical proficiency.
- 2 An additional task statement will be included to determine each candidate's awareness of and willingness to fulfill the CH commitment to equal employment opportunity.

(5) Minimum Qualification Requirements.

- (a) Promotion in all positions covered by this Program will be in accordance with the time-in-grade requirements.
- (b) Candidates who will meet all minimum qualification requirements within 30 calendar days after the closing date of the vacancy announcement will be evaluated for the position. Evaluation of minimum qualifications (other than time-in-grade) are based upon the following:
 - 1 OPM Qualification Standards. The OPM Qualification Standards are accessible through a hyperlink on the vacancy announcement.
 - 2 Selective factors may be used to determine basic eligibility when certain knowledges, skills, abilities, or competencies are required in the position to be filled. When deemed essential, these factors shall be developed jointly by the selecting official and the HR Specialist and shall constitute a part of the position. Final approval and inclusion of selective factors will be made by the HR Specialist. They may not be used merely because it would be desirable for candidates to possess them. Selective factors must be clearly described/defined in the vacancy announcement.

(6) Evaluating (rating and ranking) Qualified Applicants.

(a) Information Considered in the Evaluation Process.

- 1 Candidate qualifications will be evaluated on the basis of all pertinent and available information contained in the applicant's application package that shows such factors as: experience, including outside volunteer activities that supplement experience and are relevant to the job; and/or

education and training, including self-development efforts that demonstrate relevant skills and abilities.

- 2 Materials to be submitted by applicants will be specified on the vacancy announcement. Applicants are responsible for submitting them within the time limits specified on the vacancy announcement.

- (b) Rating and Ranking Methodology. Competencies/DOE Jobs Online questions listed on the vacancy announcement are used to assign a numerical score that is indicative of the degree to which an applicant possesses the job-related knowledge, skills and abilities; differentiate between qualified applicants; and ultimately identify the best qualified group of applicants.

- 1 DOE Jobs Online Rating. All qualified applicants who are subject to merit promotion rating and ranking procedures must respond to the DOE Jobs Online competency questions in order to receive a score greater than the minimally qualifying score of 70.

- 2 Validation Process. HR Specialists will review each application package to confirm basic qualifications, specialized experience, time-in-grade requirements, eligibility for promotion or noncompetitive consideration, and required documentation as stated in the vacancy announcement.

- 3 Phasing. When determined by the selecting official and the HR Specialist to be necessary, applicants may be evaluated and rated by a SME or a Panel. The HR Specialist serves as a technical advisor to the SME/Panel. The SME and at least one Panel member should be an expert in the field of the position being staffed and be at or above the grade level of the position to be filled.

- (c) Determination of Best Qualified Candidates. The best qualified candidates are determined by the HR Specialist and are identified as those persons who rank at or near the top when compared with other eligible candidates.

- 1 HR Specialist determines a natural break point in the score range (i.e., where there is a distinguishable clear gap between one group of candidates and the next lower group). Depending on the rating methodology used with DOE Jobs Online either competency questions or phasing and the quality and quantity of applicants for a specific vacancy announcement, that "gap" might be large or small.

- 2 All applicants who attain a numerical score at or above the natural break are considered best qualified.

(d) Priority Referrals. Priority referral will be given to the following:

- 1 Individuals eligible under the CH Priority Placement Program, CTAP, and ICTAP in accordance with the provisions of those individual programs, if applicable, and
- 2 Individuals who were not given proper consideration in a prior competitive promotion action.

(e) Certificate of Eligibles.

- 1 Certificate of eligibles will expire 45 calendar days after issuance. The HR Specialist may extend the certificate for an additional 45 calendar day period. No more than one extension can be granted.
- 2 If an identical vacancy occurs within 45 calendar days of the date of the selecting official's signature on the original certificate; reuse of a selection certificate may be authorized. The reissued selection certificate will be valid for 45 calendar days. No extension to this 45 calendar day period may be granted.
- 3 If a vacancy is announced at more than one grade level, a certificate will be prepared for each separate grade level. Applicants may be placed on each certificate for which they are best qualified and for which a willingness to accept the grade and/or salary is indicated.

(7) Selection Process.

- (a) Interviews are not required; however, HRS highly encourages the selecting official to interview candidates. The selecting official may either personally conduct interviews as part of the final selection process or may request that an interview panel conduct the interviews and provide recommendations for selection or further interviews.
- (b) Interview Panel members must have a good knowledge of the skills and abilities needed to perform the job. Candidates for the position may not serve on the panel. Panel members must occupy a position at or above the full performance level of the position being filled.
- (c) Selecting officials should give consideration to performance appraisals and incentive awards in the selection process (i.e.

when reviewing referred applications, during interviews, when conducting reference checks, etc.) prior to making the selection decision.

- (d) After review of the material furnished on each candidate and of any interview results, the selecting official will:
 - 1 select one or more of the candidates; or
 - 2 return the selection certificate with written documentation stating the reason for non-selection; or
 - 3 return the selection certificate without a selection stating the reason for postponing or canceling the filling of the vacancy; and/or
 - 4 request to HR that additional recruitment efforts be initiated.
 - (e) With the prior concurrence of HRS, the selecting official may notify the candidate of their selection. HRS will make all official employment offers to selected employees, arrange for a release date, and complete all processing requirements. HRS will notify all candidates as to the disposition of the merit promotion action.
- (8) Merit Promotion Documentation. The file shall contain at a minimum:
- (a) A copy of the vacancy announcement;
 - (b) application materials or web site where materials can be located under the QuickHire System, including the application of priority or repromotion eligibles which were considered.
 - (c) master list of statements/questions (including screen outs and weights);
 - (d) documentation of natural break, if applicable;
 - (e) vacancy score report;
 - (f) selection certificate;
 - (g) justification for selective factors, if applicable;

- (h) copies of letters to ineligible and those not selected;
- (i) justification for non-selection of priority referral candidates.

(9) Employee Complaints.

- (a) Informal Resolution. All parties involved in a merit promotion-related complaint should exert the utmost effort to resolve the complaint through informal discussion and mutual understanding of the different points of view. Complainants are encouraged to consult both supervisors and the cognizant HR Specialist to seek a resolution of the issues. Parties may present the complaint to the Director, HRS for further informal consideration if the principal parties are unable to reach an informal resolution.
- (b) Formal Resolution. If the complaint cannot be settled informally, the employee may seek resolution through one of the following:
 - 1 Grievance. Employees may grieve matters involving the administration of the CH Merit Promotion Program under the DOE Grievance Procedures. Nonselection for promotion among a group of properly ranked and certified candidates, in and of itself, is not a basis for a grievance. Alternative Dispute Resolution in the form of mediation is encouraged.
 - 2 Equal Employment Opportunity Complaint. If an employee believes that unlawful discrimination occurred in the administration of the CH Merit Promotion Program, the employee may initiate a complaint under the provisions of the EEOC Management Directive 110, *Federal Sector Complaints Processing Manual* and DOE O 311.1B, *Equal Employment Opportunity and Diversity Program*.

7. REFERENCES.

- a. Title 5, Code of Federal Regulations (CFR), Parts 300 and 335.
- b. DOE O 320.1, *Acquiring and Positioning Human Resources*, dated 11/21/03
- c. DOE O 311.1B, *Equal Employment Opportunity and Diversity Program*, dated 02/12/03
- d. DOE O 3771.1, *Grievance Policy and Procedures*, dated 08/21/92
- e. EEOC Management Directive 110, *Federal Sector Complaints Processing Manual*, dated 11/09/99.

8. CONTACT. Questions concerning this Order may be directed to your servicing Human Resources Specialist at (630) 252-2312.

DEFINITIONS

- a. Appointments. The hiring of a person from a competitive CH or Delegated Examining Unit (DEU) list of eligibles, or by special authority in the absence of a requirement for a competitive list of eligibles.
- b. Area of Consideration. The area in which a search for eligible candidates in a specific promotion action is made. (When the minimum area of consideration produces enough qualified candidates and there is no need for a further search in a broader area, the minimum area of consideration and area of consideration are the same.)
- c. Best Qualified. Candidates who rank at or near the top when compared with other well qualified candidates.
- d. Career Transition Assistance Plan (CTAP). – A program to assist surplus and displaced DOE employees.
- e. Competencies. Knowledge, skills, abilities and other characteristics that contribute to successful performance in a particular position and are used as criteria for rating qualified candidates for that position. Competencies must be directly related to the position to be filled.
- f. Delegated Examining Unit (DEU). A servicing Human Resource Office which has received delegated examining authority from OPM to fill Civil Service positions with candidates applying from outside the Federal workforce.
- g. Demotion. The change of an employee to a lower grade when both the old and the new positions are under the General Schedule, or under the same type of graded wage schedule, or to a position with a lower rate of pay when the old and the new positions are under the same type ungraded wage schedule or in different pay-method categories.
- h. Detail. The temporary assignment of an employee to a different position or set of unclassified duties for a specified period of time.
- i. DOE Jobs Online. A web-based system for applicant recruiting, processing and rating, referral, selection, and records management.
- j. Full-Performance Level. The highest grade level of work assigned to a position. Noncompetitive promotions are allowed up to this level.
- k. Interagency Career Transition Assistance Plan (ICTAP). – A program to assist surplus and displaced federal employees.
- l. Minimum Area of Consideration. The area designated in this directive in which there is a reasonable expectation that enough qualified candidates to fill vacancies will be located.

- m. Priority Consideration. Consideration given to an employee, before merit staffing procedures can be used to fill a position, when that employee failed to receive proper consideration in a prior competitive promotion or placement action.
- n. Priority Placement. Consideration given to an employee, before merit staffing procedures can be used to fill a position, when that employee is identified as surplus through the CH Priority Placement Program.
- o. Promotion. The change of an employee to a higher grade level or higher rate of basic pay.
- p. Reassignment. The change of a current Department of Energy employee from one position to another without promotion or demotion.
- q. Reinstatement. The reemployment of a former Federal employee on the basis of acquired civil service status.
- r. Repromotion Consideration. Consideration given an employee before merit staffing procedures can be used to fill a position when that employee has promotion eligibility to a grade or position from which demoted without personal cause and not at the employee's request.
- s. Selective Factor. Knowledge, skills, abilities or special qualifications that are essential for satisfactory performance on the job and are in addition to the minimum qualification requirements for a position.
- t. Subject Matter Expert. An individual who has substantial knowledge of the position being filled and is at or above the grade of the position to be filled. Supervisors and selecting officials cannot serve as a subject matter expert.
- u. Time-in-Grade Restriction. The time-in-grade restrictions of the Code of Federal Regulations (CFR) apply as follows:
 - GS-5 and below. May be advanced no more than two grades within a 52 week period.
 - GS-6 through 11 in an occupation properly classified at one grade intervals. Must have completed at least 52 weeks of service in a position no more than one grade lower than the position to be filled.
 - GS-7, 9, and 11 in an occupation properly classified at two grade intervals. Must have at least 52 weeks of service in a position no more than two grades lower than the position to be filled.
 - GS-12 and above. Must have completed 52 weeks of service in a position no more than one grade lower than the position to be filled.
- v. Transfer. The movement of a current employee of another Federal agency to a position within the Department of Energy.